



AGENDA ITEM NUMBER _____

Bernalillo County Board of County Commissioners

Meeting Date: November 16, 2010

Department: Zoning, Building, Planning & Env. Health

Staff Contact: Brennon Williams, Zoning Administrator

TITLE: PUBLIC HEARING: Appeal of the County Planning Commission's recommendation to cancel an existing Special Use Permit for a Contractor's Yard (CO-90016/CSU-40012)

COUNTY PLANNING COMMISSION RECOMMENDATION:

Cancellation of the Special Use Permit.

SUMMARY:

This matter was deferred most recently by the Board of County Commissioners (BCC) from the August 2010 public hearing (also previously deferred from May and November 2009, and February 2010) based on the testimony of the agent, William Kraemer, indicating that the owner of the property was attempting to sell the site. Mr. Kraemer also stated that the owners continued to remove materials, equipment and debris from the property, and that the delay in the cancellation request would likely afford sufficient opportunity have all items removed from the lot.

At their April 1, 2009, public hearing, the County Planning Commission (CPC) voted unanimously to recommend cancellation of an existing Special Use Permit for a Contractor's Yard (CSU-40012). The subject property is located on Pajarito Road, approximately 1 mile west of Coors Boulevard, zoned A-1, and contains approximately 10 acres in area. The CPC decision was based on five Findings (Attachment 2).

The recommendation for cancellation was the result of multiple time extensions and continuances to allow the owner of the property to develop the site in compliance with the Conditions of Approval. In addition to multiple efforts of department staff members, this matter was deferred from the CPC's September 2007, December 2007, March 2008, June 2008, September 2008, November 2008, and December 2008; as well as continued from the January 2009 public hearing in order to allow the owner additional time to bring the property into compliance by meeting all of the requirements originally established with county approval of the Special Use Permit from August 2004.

The Comprehensive Zoning Ordinance of Bernalillo County authorizes cancellation of a Special Use Permit after determination of a continued violation, proper notification to the property owner, and holding of a public hearing.

The property owner has acknowledged that not all of the applicable standards of the Special Use Permit have been met, but desires to continue the use the property and the rights afforded by the permit.

ATTACHMENTS:

1. Board of County Commissioners' Notices of Deferral
(August 26, 2010, February 25, 2010, November 25, 2009 & May 28, 2009)
2. Material provided for the appeal
3. County Planning Commission Notice of Decision (April 3, 2009)
4. Transcripts from prior CPC hearings on this matter
5. County Planning Commission packet (April 1, 2009 hearing)

STAFF ANALYSIS SUMMARY:

Zoning/Building/Planning/Environmental Health:
Staff recommends approval of the cancellation